Legislative Business.

THE CIVIL PROCEDURE CODE AMENDMENT BILL.

PRESIDENT : The next item in the agenda is the legislative business.

MR. S. J. NAIR (*Nedumangad*) : Sir, I rise to introduce the Civil Procedure Code Amendment Bill. The Bill has already been printed and copies of it circulated together with a Statement of Objects and Reasons. I beg to move that the Bill be read in the Assembly.

MR. V. T. CHACKO (*Muvattupuzha*) : I second it.

PRESIDENT . Moved and seconded that the Civil Procedure Code Amendment Bill be read in the Assembly.

MR. R. SAMBASIVA AIYAR (*Kunnathad I*) : Sir, I oppose the introduction of this Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, it is usual for the mover to explain the principles of the Bill, as the House will wish to know why the member wants this Bill to be introduced.

PRESIDENT : Does Mr. Nair care to do it ?

MR. S. J. NAIR (*Nedumangad*) : Yes, Sir ; I shall now explain briefly the principles involved in the present Civil Procedure Code Amendment Bill. By this Bill, it is intended to amend the Code of Civil Procedure, Regulation VIII of 1100, for the purpose of exempting, from arrest and detention in the civil prison, the judgment debtors. Sir, the arrest and detention of judgment debtors in civil prison is a barbarous custom that has come into force in recent times as a result of the advancement of the so-called modern civilisation. Sir, it was unknown in Travancore, or, for the matter of that, in the Indian Empire, in ancient times, to see that civil debtors are arrested and detained as though they were criminals who had committed some crimes either to the individuals or to society or to the country. Sir, from the administration report of the Central Prison for the year 1108, we find that the number of civil prisoners remaining at the commencement of 1108 in the Central Prison was 16. The number of civil prisoners received in the Central Prison during 1108 was 106. The total number of persons in civil jail in 1108 was 122. The daily average of civil prisoners in 1108 is 11·14. The daily average of under-trial criminals for 1108 in the Central Prison is 22·20. Therefore, for every two under-trial prisoners who are sent to the local Central Prison, we find one person sent to the civil prison for civil debts.

It is a simple Bill that I am introducing ; and I hope there will not be any serious opposition to this Bill from this side of the House as well as from the other side of the House, because it is the fundamental right of a citizen to see that he does not suffer for not committing any offence against the State or against any individual. Taking loans and failing to repay in time is not a crime committed against any individual or against the State or society. Further

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money is advanced generally as loan only after considering the solvency of the debtor or in consideration of the friendship or relationship that exists between the party who receives the money and the person who pays it. In the light of these, it would not be safe or better to see that a person who, due to some unfortunate circumstances in life, is unable to pay back a loan in time is arrested and put in a civil jail. Going to a civil jail is considered as a sort of personal stigma, a sort of moral turpitude and a sort of social ostracism.

PRESIDENT: Why not you read the last paragraph of your Objects and Reasons? That is very interesting.

MR. S. J. NAIR (*Nedumangad*): Yes, Sir. I shall do so, Sir,

> "A creditor never gains anything by sending a debtor to civil prison. Whereas, in doing so, the debtor as well as the people, who are with him, or under him, or related to him, or attached to him suffer a good lot, in matters of personal discomfort and discomfiture, loss of reputation, mental agony, loss of labour and of wages, and deprivation of safety, support, and actual maintenance. In other words, there is personal mortification and loss and suffering for the debtor; there is the negation of the means of livelihood for those who depend for their living upon the labours of the debtor; there is solitude and helplessness and absence of solicitude and protection for the wife and children as well as other people who depend upon the debtor, there is the increasing idleness and absence of labour in the world; there is the badge of inferiority and loathsomeness stamped on the forehead of the debtor; there is the increasing burden for the State for providing civil prisons and officers for the work. In short, the arrest and detention of judgment debtors in civil prison is a personal insult and injury, domestic misery, unhappiness and calamity, social injustice political degradation, economic loss, and a sheer crime to man and society. In the interest of individuals, in the interest of families, in the interest of society, in the interest of labour, in the interest of economic development, in the interest of social and economic morality, in the interest of State and in the interest of humanity at large, the practice of arresting and detaining of the judgment debtors in civil prisons ought not to be permitted to continue any longer. It shall be immediately discontinued; and this Bill has accordingly been framed."

MR. M. SIVATANU PILLAI (*Tovala*): Sir, may I know wherefrom the member quotes the passage?

PRESIDENT: He has read out the last paragraph from the Statement of objects and reasons of the Bill.

MR. S. J. NAIR (*Nedumangad*): Sir, this is not a novel feature I demand that the State or the House will have to provide. If I understand correctly, the exemption from arrest and detention in civil jail is done away with throughout the Russian Empire, in Scotland, and in Germany and in various States in the United States of America.

MR. R. NILAKANTA PILLAI (*Finance Secretary to Government*): What about British India?

MR. S. J. NAIR (*Nedumangad*): I am told that some member has moved or is going to introduce a Bill to this effect in the Legislative Assembly.

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PRESIDENT: That Bill has a restricted application. It is not as universal as yours in its application.

MR. S. J. NAIR (*Nedumangad*): Even under the Civil Procedure Code, in our State, women are exempted from arrest and detention in civil prison. I am told that there was a time even in Travancore when the debtors among women also were arrested and kept in civil jail. But that barbarous custom was done away with by the State as a sort of symbol of morality and of civilisation. So I request the members of this House to support the general principle of this Bill unanimously without any dissenting voice.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I oppose, Sir, the introduction of this Bill. My reason is that there are provisions in the present Civil Procedure Code exempting really deserving debtors from arrest and detention. I refer to clauses 3, 4 and 5 of Section 47 of the Civil Procedure Code.

Clause 3 of Section 47 says:

"Where a judgment debtor is arrested in execution of a decree for the payment of money and brought before the Court, the Court may inform him that he may apply to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of the application and he complies with the provisions of the law of insolvency for the time being in force."

Clause 4 of the Section reads:

"Where a judgment debtor expresses his intention to apply to be declared an insolvent and furnishes security, to the satisfaction of the Court, that he will within one month so apply, and that he will appear, when called upon, in any proceeding upon the application or upon the decree in execution of which he was arrested, the Court shall release him from arrest, and, if he fails so to apply and to appear, the Court may either direct the security to be realised or commit him to the civil prison in execution of the decree."

Clause 5 of the Section says:

"Where the judgment debtor applies for time to enable him to pay the judgment debt, the Court may leave the judgment debtor in the custody of an officer of the Court for a specified period not exceeding 15 days or release him on his furnishing security to the satisfaction of the Court for his appearance at the expiration of the specified period if the decree be not sooner satisfied."

Then, Order 21, Rule 38, which deals with execution, says:

"Where a judgment-debtor appears before the Court in obedience to a notice issued under Rule 35, or is brought befor the Court after being arrested in execution of a decree for the payment of money, and it appears to the Court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalments, the amount of any instalment thereof, the Court may, upon such terms (if any) as it thinks fit, make an order disallowing the application for his arrest and detention, or directing his release, as the case may be."

Therefore my submission is that there are provisions in the Civil Procedure Code investing the Court with ample discretion in releasing debtors arrested and brought before the Court, and also in refusing applications for arrest. If, as a matter of fact, the debtor is willing

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to surrender his property, certainly he can do so. He can apply and be declared an insolvent. He will have only to surrender his properties o the Official Receiver and his creditors will then get only ratable distribution of his assets. He himself is exempt from arrest.

PRESIDENT: But he is not prepared to give anything. That is what Mr. S. J. Nair says.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): My submission is that it is not fair. On that ground, I oppose the introduction of this Bill.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Sir, I happen to represent the commercial constituency and our grievances are that even the Insolvency Regulation had considerable bad effect on commerce. Therefore, as a member representing commerce, I oppose the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I also oppose the motion. That imprisonment as a means of recovering a debt has been and is efficacious is not denied by Mr. S. J. Nair. It is true that a number of people have been arrested and sent to jail. They were so arrested because money due from them was not paid and not because anybody wanted to insult or worry them. It is alleged that this remedy allowed by the law is absurd. From the mere fact that, as a consequence of the arrest, debts had been paid, it must be conceded that this arrest is an efficacious way of getting at the money rightly due. If it is so, the simple question is why it should not be allowed to continue to exist as it is and why it should be abolished. Now, it must be noted that this method is generally resorted to in the recovery of small sums. When big sums are lent, the lender generally looks to the property of the debtor as the source of the money forthcoming; in the case of small sums, say Rs. 50 or Rs. 100, it is generally advanced on personal security.

MR. S. J. NAIR (*Nedumangad*): May I know whether sums are advanced as loans in Scotland?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not profess to know much of Scotland. I know of conditions prevailing in Travancore.

PRESIDENT: We are not now in Scotland.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): To recover money from the person, *i. e.*, by arrest, is easy. To proceed against the property is a very tedious process and troublesome business. Those who have tried to recover money by attaching and selling properties must know that it is not an easy task at all. For a man who has to recover, say, some Rs. 30 or Rs. 100, it is very hard indeed to ask him to undertake this task. For the sake of Rs. 50, he has, in the execution of the decree, to procure various certificates, file affidavits, issue proclamations, etc. When all these things are done some stranger may turn up alleging that he has an interest in the land.

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Then that man has to be fought. Thus, there is a lot of trouble and much time may be lost. Of course, if a man has to recover large sums of money, say, Rs. 4,000 or 5,000, it may be worth all this trouble. But if a man has advanced some Rs. 40 or 50, it will be very hard if he is to be compelled to act against the properties alone of the debtor.

Apart from the point of view of the creditor who will be largely affected by this measure, it will have very serious effect on the commercial and business activities, and even agricultural activities in a country, such as ours. Here, the tendency of the people is to hoard money and not to invest in business, or they may invest it in Government Savings Bank as that is a safe security. In order that money may flow out, every facility should be afforded for the recovery of moneys lent out. If money is hoarded or kept idle, it is of no use to anybody; money ought, properly, to be used for the economic development of the country. If it is kept inside a man's pocket, there is no use of it either to himself or to the public at large. In this country, people generally borrow small sums of money; comparatively speaking, there is not much of big borrowing. Even the agriculturists want to borrow money, say, Rs. 10 or so, or at the most Rs. 50, for seeds, for cattle, etc. For that if he goes to a bank or to a private moneylender, do you expect them to go and inspect the borrower's properties, paddy fields and garden lands and so on and calculate on their value for the recovery of the money to be lent? Never. The result is that small sums will cease to be lent, if they can be lent only on such conditions.

MR. S. J. NAIR (*Nedumangad*): May I know whether he has got a statistics of persons in the State who succeed in borrowing money?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, I have not got.

Sir, those who advance small sums of money look to the person of the borrower as security.

MR. S. J. NAIR (*Nedumangad*): May I know the number of decrees in all the civil courts in Travancore for the realisation of money?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am submitting, Sir, that, in the case of small sums of money, if we once deny this method of recovering money by arrest and detention in jail, the people who will be the greater sufferers, than even the would-be lenders, will be those who have to borrow money: because the would-be borrowers will not be able to get the loan. The man who possesses money may suffer too, he will suffer because he cannot use his money to profit. But I am saying that the would-be borrower will also suffer and he will be the worse sufferer. And the bulk of the money transanctions and activities will cease. In fact there will be a complete stagnation in one important activity of a civilised society It is in the interest of society and the State that money is circulated and that freely. It should not be allowed to remain idle. It is absolutely necessary that it should be used by somebody or other.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know whether there is inconvenience at elections in debtors being scared away from the polls?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If a candidate is clever enough, he can cause the arrest of his rival candidate or a recalcitrant voter. If that is felt to be a serious difficulty, let us make a provision that persons who are going to the polls should not be arrested. That will be a much more tolerable measure than the present wholesale measure. A person going to Assembly or Council cannot be arrested now. Let us extend it a bit if it is considered that a person going to the polling booth should not be arrested. I can understand that. But that is not the case here. Here, it is a wholesale measure and it is sought to prevent arrest in *every* case. If that is done, I submit that people who want to borrow money will suffer and particularly those who want small sums. Particularly at this time, when there is great economic depression on account of sufficient money not being available for circulation, it is very dangerous. Money exists even now and many people have got it, and there is plenty of commodity too. But money does not go into the market freely and prices have gone down and business cannot safely take in money. The Government of India have been able recently to raise loans at 3 and 3½ per cent. interest. Why? Because businesses are not considered safe investments now. At this time, it is proposed to do away with the one efficacious method of recovering moneys lent out. Is it right? And is it in the interests of society? It seems to me, no.

The measure proposed is so wholesale that even damages for wrongs done cannot be recovered by arrest and court costs decreed by court cannot be recovered by arrest; and a man fraudulently or maliciously withholding moneys due cannot be arrested. Any person can beat another person or commit mischief and destroy another's property and if a decree for damages is obtained, the amount cannot be recovered by arrest. So also, if a person without any justification harasses another by a false suit and if the suit is dismissed and costs are ordered to be paid, the wrong-does can escape payment if he has no property or can keep away his property fraudulently.

Furthermore, the proposed measure will affect contracts being made or entered into. If a person at Alleppey contracts with another person, say, at Kottayam, for the purchase of copra or pepper, he does not generally look at the property of the other person. He will look only at the personal property and look to his person as security. Do you expect the merchant at Alleppey to go all the way to Kottayam or Kainikara and inspect the other man's paddy fields, garden lands and the dry and the water-logged areas before entering into the contract? Not merely the borrowing facilities will be affected, but the whole economic activity of the country will suffer if this measure is passed. I think it a fantastic measure which cannot be accepted for any moment, not merely by Government, but by any human being at all. No human society

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can accept it, particularly in India where the joint family system is still in vogue and it is much more difficult than elsewhere for a man to follow the properties of the debtor. I think, Sir, that Government have to oppose this Bill.

MR. S. J. NAIR (*Nedumangad*): May I know whether the member knows anything about the conditions prevailing in other countries?

PRESIDENT: He has said he does not know much of Scotland.

Will the Financial Secretary to Government say something? It is he who has to speak about the financial aspect and the economic condition of the country affected by this Bill.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Of the various measures provided by the Civil Procedure Code for the recovery of the decree debts, it is only in exceptional circumstances that is to say, when it has been found practically impossible to realise the amount, in any of the other ways provided by law, that the creditor generally resorts to the arrest and detention of the decree debtor. The creditor, who resorts to the arrest and detention of his debtor as a means of recovering his debts, is under a legal obligation to provide the debtor with food, bedding, clothing and the other things necessary for his life in the prison, consistent with the status and the comforts which the debtor has been enjoying prior to his arrest and detention. This naturally puts the creditor to extra expenditure which he would only try to avoid if possible. If therefore a creditor proceeds to arrest and detain his debtor in the prison, it may be reasonably presumed in all ordinary cases that he had tried all other means of recovering his debts, but could not succeed in realising the amount. In such extreme cases, which are not after all of very common occurrence, it would be really handicapping the creditor to withhold from him his last resource for recovering his debts. In the case of serious illness, etc., of the decree debtor, the law has provided ample safeguards against the abuse of the rule in a manner seriously affecting the debtor's life and health. In the light of the safeguards provided by law against the abuse of the rules and in view of the fact that the arrest or the detention of civil debtors constitutes the last resort of a desperate creditor, it is neither desirable nor necessary to cancel the existing provision for the arrest and detention of civil debtors. I may add that, as stated by the Law Member, the withdrawal of the existing provision for the arrest and detention of a debtor will considerably affect the free circulation of money, which is certainly not a desirable state of affairs, especially in these days of economic depression, by inducing the lender not to part with his money.

(At this stage the President left the Hall and the Deputy President took the Chair).

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Will it affect the working of the co-operative institutions?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Most of our co-operative institutions are working with only small capital and it is very seldom, if ever, that they take the security of landed property for the loans advanced to the members. If therefore

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[Mr. R.. Nilakanta Pillai.]

the existing proovision for the arrest and detention of the decree debtor be withdrawn, the co-operative institutions will be deprived of their last resort for recovering their dues. This is certainly a state of affairs that will considerably affect the smooth working of co-operative institutions.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Will it not remove at least one distinction as between males and females?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The removal of that distinction does not appear to be very material.

MR. M. SIVATANU PILLAI (*Tovala*): What will be the financial effect if nobody will lend money and the borrower will not get it?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): If money could not be borrowed, that would be a serious clog on the development of trade and industries. All commercial and industrial activities will naturally come to a stand still.

MR. S. J. NAIR (*Nedumangad*): May I know whether people lend money in Germany?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): People do lend money in Germany as well.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I oppose the motion for the introduction of this Bill. The Bill seeks to abrogate the provisions in the Civil Procedure Code relating to arrest and detention and to take away the remedies available to the creditor against the person of the debtor. If this Bill be passed into law, the consequence will be that capital will not be coming forth and the effect of it upon society will be disastrous. Capital will fight shy of the market and credit will be injured beyond all repair. At present, creditors lend money on the strength of the remedy available under law against the person of the debtor. If such a remedy is taken away, it will do incalculable harm to credit. It will have its own reaction upon the trade and commerce of the country. A large part of the capital is in circulation because the bankers and other creditors are under the impression that there is a remedy against the person of the debtor which is a summary and effective remedy. If this remedy is taken away, it will give a great blow to trade and industrial activities in the State.

Again, Sir, there is another aspect of the question, which must be borne in mind in considering this Bill. Our laws of procedure follow very closely the laws in British India. This has to be necessarily so, having regard to our commercial relations with British India. The Civil Procedure Code in British India has not been amended on the lines of the present Bill. Therefore if this Bill be passed, it would necessarily mean that a great portion of the capital will get locked up or fly into British India. There should be a piece of legislation for India as a whole in this matter and not for a country like Travancore which is only a very small

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portion of India. In the interest of uniformity of legislation and in the interest of trade and industrial activities, I repeat this Bill cannot be placed on the Statute Book.

MR. S. J. NAIR (*Nedumangad*) : May I know the total number of female population in the State and is the member aware that they are not affected by this law ?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : I have nothing to do with that.

MR. S. J. NAIR (*Nedumangad*) : Is the member aware that the female population in the State amounts to half the total population of the whole State ?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : I am not speaking about the female population. I am speaking about the provision of law generally.

MR. S. J. NAIR (*Nedumangad*) : What harm is there in extending a right enjoyed by one half of the population to the other half also ?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : It is not the female population, Sir, that is raising moneys from day to day.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the female population in the State claim equal opportunities in public service and public life to that of the male population ?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : That is not the question that we are considering now.

Sir, there should be uniformity of legislation in British India and in Travancore, in the matter. With these observations, I oppose the motion for the introduction of this Bill.

MR. N. E. VARUGHESE (*Tiruvalla I*) : സഭയുടെ ആലോചനയിലിരിക്കുന്ന ബില്ലിന്റെ തത്വത്തോട് ഞാൻ യോജിക്കുന്നില്ല. പ്രഥമദൃഷ്ടിയിൽ ഈ ബില്ല് കാണുമ്പോൾ സാധുക്കളോട് ദയകാണിക്കുന്ന ഒരു സംഗതിയായതുകൊണ്ട് അതിനെ അനുകൂലിക്കണമെന്ന് തോന്നുമെങ്കിലും ബില്ല് നിയമമായാലുണ്ടാകുന്ന ഭവിഷ്യൽഫലങ്ങളെക്കുറിച്ചാലോചിക്കുമ്പോൾ അതിനോട് യോജിക്കാൻ നിവൃത്തിയില്ലെന്ന് തോന്നുന്നതാണ്. സർ, കടക്കാർ ഉണ്ടെങ്കിൽമാത്രമേ പണക്കാരും ഉണ്ടാകയുള്ളൂ. പണമുള്ളവരിൽ നിന്നും കടം വാങ്ങിക്കാൻ ആളുകൾ തയ്യാറില്ലെങ്കിൽ ആ പണംകൊണ്ട് ഒരു പ്രയോജനവും ഇല്ല. അതുകൊണ്ട് കടമെന്നും ധനമെന്നും പറയുന്നത് പ്രകൃതിയുടെ ഒരു ജോലിയല്ലേ എന്ന് സംശയിക്കേണ്ടിയിരിക്കുന്നു. ആ സ്ഥിതിക്ക് കടക്കാരെ ഈ വിധത്തിൽ സഹായിക്കണമെന്നു പറയുമ്പോൾ അതിന്റെ ഫലം പ്രകൃതിയോടു മല്ലയുദ്ധംചെയ്യുകയല്ലേ എന്ന് തോന്നിപ്പോകുന്നു. സ്ത്രീകളെ വാറണ്ടിൽ പിടിച്ചുകൂടാ എന്നു വച്ചിരിക്കുന്നതുപോലെ പുരുഷ

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[Mr. N. E. Varughese.]

ന്മാരേയും വാറണ്ടിൽ പിടിക്കാൻ പാടില്ല എന്നൊരു നിയമം ഉണ്ടാക്കണമെന്നാണ് ഈബില്ലിന്റെ ഉദ്ദേശകാരണങ്ങളിൽ പറഞ്ഞിരിക്കുന്ന ഒരു ന്യായം. സ്ത്രീകൾ സാധാരണയായി പണം കടം വാങ്ങാറില്ല. അത് പുരുഷന്മാരാണ് അധികഭാഗവും നടത്തുന്നത്.

MR. S. J. NAIR (*Nedumangad*) : സ്ത്രീകളും പണമിടപാട് നടത്തിവരുന്നു എന്നുള്ളത് മെമ്പർക്കറിയാമോ?

MR. N. E. VARUGHESE (*Tiruvalla I*) : ആഭരണങ്ങളും മറ്റും പണയംവെച്ച് ചില്ലറ പണമിടപാടുകൾ ചില സ്ത്രീകൾ നടത്തുന്നുണ്ട്. ആ സംഗതികൾ തന്നേയും അവർ വളരെ രഹസ്യമായും കരുതലോടുകൂടിയുമാണ് നടത്തിപോരുന്നത്. എന്നാൽ പുരുഷന്മാർ നടത്തിവരുന്ന പണമിടപാടുകൾപോലെ സ്ത്രീകൾ പണമിടപാടുകൾ നടത്തിവരുന്നില്ല. ഈ ബിൽ പാസ്സാകുന്നതായാൽ ലാ മെമ്പർ പറഞ്ഞതുപോലെ സകല ഇടപാടുകളും പെട്ടെന്ന് നിന്നുപോകുന്നതാണ്. പണം കൊടുക്കുന്നവർക്കും വളരെ വിഷമം ഉണ്ടാകുന്നതാണ്. സാമ്പത്തികാധഃപതനം മൂർദ്ധന്യദശയെ പ്രാപിച്ചിരിക്കുന്ന ഈ അവസരത്തിൽ ഇങ്ങിനെ ഒരു നിയമംകൂടി പാസ്സാകുന്നു എങ്കിൽ കൊടുക്കൽ വാങ്ങൽ അശേഷം നിലച്ച് രാജ്യം ഭയങ്കരമായ ഒരു അവസ്ഥയിൽ ആയിത്തീരുന്നതാണ്. ഈ കാരണങ്ങളാൽ ഈ ബില്ലിനെപ്പറ്റി കൂടുതലായി ആലോചിക്കേണ്ടയാവശ്യമില്ലെന്നാണ് എന്റെ അഭിപ്രായം.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Sir, I rise to oppose the Bill. The principle underlying this Bill is fundamentally wrong and it is not in the best interests of the society or the country at large. No doubt, Sir, the law of arrest and detention of a civil debtor in prison is a survival of those barbarous times when a creditor could lay his hands on the body of his debtor, that is, take the debtor actually into his custody and make him work for him. No doubt, Sir, this was so in olden days ; but, in the opinion of later authorities such a law is very barbarous indeed and that is very rigorous. By the advancement of societies, this practice had been done away with. There are several provisions in our Civil Precedure Code as well as in the Civil Procedure Codes of other lands which are provided for giving relief to debtors in suitable cases. Further, in recent times, our Legislature had placed on the Statute Book the Law of Insolvency. I may say that it is fresh in the memory of all the Honourable members of this House that the old Insolvency Regulation has been recently amended making more liberal provisions in favour of debtors. Just take one instance. In the old Insolvency Law, there was no provision to protect the person of the

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debtor during that interval, that is between the presentation of the petition and the date of adjudication.

MR. S. J. NAIR (*Nedumangad*): May I know whether, under the Insolvency Regulation, a party will have to put in a petition so that he may be declared an insolvent before a court of law?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Yes, Sir; it is so.

MR. S. J. NAIR (*Nedumangad*): May I know whether a person who has been declared insolvent loses his political right in the State?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): No doubt that is a disability indeed with regard to certain rights for instance with regard to right to exercise the franchise and several other matters. That is no doubt a disability.

MR. S. J. NAIR (*Nedumangad*): May I know whether it indirectly gives a social stigma?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): It is not, Sir, the case that once an insolvent always an insolvent. The law of insolvency, of course makes ample provisions for making a man once more dignified and competent enough to exercise all the powers and privileges, for instance, by getting a discharge; when proper grounds are shown to the satisfaction of the court. A debtor who has already been an insolvent can get a discharge and after the date of discharge order, he is in a position as good as that of any other person.

So, Sir, since there are ample provisions in our various laws for protecting the person of an improvident or unfortunate debtor, I do not think this drastic piece of legislation is necessary in the interest of either society or even that limited society, I mean, the general body of debtors.

Then, Sir, another reason why I oppose the principle underlying this Bill is that it is fundamentally wrong as it will affect the credit in the land. We all know, Sir, that the material prosperity of a country mainly depends upon the availability of its credit.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is credit in Russia today?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Russia is a Bolshevik State and I do not think the conditions prevailing in States like Travancore or other States have to be judged from the standard of Bolshevism in Russia.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is credit in the United States of America?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): There is too much of credit there.

So, if this measure be passed into law, it will have the effect of affecting credit in the land and that will adversly affect commerce and industry and all activities of business-men.

Lastly, Sir, there is one other most deleterious effect that this measure may have if it becomes law, namely, that, like women who, on account of their privileged position under the Civil Procedure Code, have no credit in the land, men will cease to have credit if the privilege is extended to them also.

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MR. S. J. NAIR (*Nedumangad*): May I know whether our women now have credit or not ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I still maintain that women do not command as much credit as men. It is on account of this fundamental difference between man and woman that the law now maintains this distinction now sought to be done away with by my friend Mr. S. J. Nair. This privileged position of women, Sir, may be due to historical reasons.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Is there no time-limit for speeches, Sir ?

DEPUTY PRESIDENT: No, prescribed time limit for legislative business.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): In ancient times, women were not regarded as free at all. That was why it was then considered there was no use in arresting or keeping in custody another man's property. As I said, women were looked upon only as chattels in those days.

MR. S. J. NAIR (*Nedumangad*): May I ask whether, at any time in the history of India, women were considered as chattels ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): That is my reading of history, Sir.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*): ഈ ബില്ലിനെ ഞാൻ എതിർക്കുന്നു. ഈ ബില്ല് നടപ്പിൽ വരുത്തിയാൽ ഈ രാജ്യത്തിന് വലിയ ഒരു അസുഖം ഉണ്ടാകാവുന്നതാണ്. കച്ചവടക്കാർ സാധാരണ പണമിടപാടുകൾ നടത്തിവരുന്നതു് ഒരാളിന്റെ സ്വത്തിനെമാത്രം ആലോചിച്ചിട്ടല്ല. ആളിന്റെ നിലയും വിലയും നോക്കിമാത്രമാണ് പണമിടപാടുകൾ നടത്തിവരുന്നതു്. ആ സ്ഥിതിക്ക് ഒരാളിനെ വാറണ്ടിൽ പിടിച്ചുകൂടാ എന്നു നിശ്ചയിക്കുന്നതു വളരെ കുഴപ്പമുണ്ടാക്കുന്ന ഒരു സംഗതിയാണ്

MR. S. J. NAIR (*Nedumangad*): ഒരാളിനെ വാറണ്ടിൽ പിടിക്കാനും പണച്ചിലവില്ല?

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*): അതിലവു നഷ്ടപ്പെടേണ്ടിവരികയില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): കടം വാങ്ങിയ പണത്തിൽനിന്നും കുറെപണം അതിലേക്കു ചിലവുചെയ്താൽ മതിയല്ലൊ?

MR. M K. JANARDANA KAMATH (*Commerce and Industry, North*): അതുമതി. ഇങ്ങിനെ ഒരു നിയമം ഉണ്ടായാൽ കച്ചവടസംബന്ധമായും ബാങ്കുസംബന്ധമായുമുള്ള ഇടപാടുകൾ നിന്നുപോകുന്നതാണു്. യാതൊരുവിധമായ സഹായസഹകരണവും ജനങ്ങളുടെ ഇടയിൽ ഉണ്ടാകയില്ല. വലിയ കൊലപാതകങ്ങൾക്കുടി ഉണ്ടാകുകയില്ലേ എന്നു സംശയിക്കേണ്ടിയിരിക്കുന്നു. അതുകൊണ്ടു ഈ ബില്ലിനെ ഒരിക്കലും പാസ്സാക്കാൻ പാടില്ലാ എന്നാണു എന്റെ അഭിപ്രായം.

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MR. A. EASWARA PILLAI (*Kottarakara*): I rise to support the principle of the Bill now before the House. I certainly realise the force of the arguments advanced by the learned Law Member and by some other Honourable members against the Bill. But, at this time of acute economic distress, such a measure is absolutely indispensable. Rich men, certainly, will not be in favour of this enactment. We are concerned not with the rich few but with the poor masses. It is the poor that are in need of our sympathy. There is ample provision in the Civil Procedure Code for the realisation of debt. The arrest and the imprisonment of the debtor is not the only means of realising debts due. Therefore, Sir, at least temporarily till the depression lifts, a measure like the one now before the House is absolutely necessary.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I ask the member whether there is any provision in the Bill that the measure is only temporary?

MR. A. EASWARA PILLAI (*Kottarakara*): We can amend the law when we revert to normal conditions. I therefore strongly support the principles of the Bill introduced by Mr. S. J. Nair.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know——

DEPUTY PRESIDENT: I think Mr. Easwara Pillai has resumed his seat.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Easwara Pillai sat down because Mr. Pacode Narayana Pillai stood up.

DEPUTY PRESIDENT: Mr. Easwara Pillai, will you please tell me whether you sat down before Mr. Pacode Narayana Pillai stood up or because he stood up.

MR. A. EASWARA PILLAI (*Kottarakara*): I sat down before he stood up, Sir.

DUPUTY PRESIDENT: That is conclusive on the point. So, Mr. Narayana Pillai cannot put any question to Mr. Easwara Pillai.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Though my learned friend, the Law Member, characterised the Bill as rather fantastic, it is difficult to shut one's eyes to the various merits of the measure. (Mr. S. J. Nair: (*Hear, hear.*) (*Laughter.*)

In the first place, Sir, (*A little louder, please.*) all advocates of the principles of equality between the sexes must certainly support the Bill, for, if the women of the State are given the privilege of exemption from arrest for non-payment of debt, the men also must be given the same privilege. There is no reason to make any distinction between the sexes in this matter, especially in these days.

One further advantage, Sir, is the sure chance of reduction of much work in the Civil Courts, on the execution side. I am sure this measure would help us to reduce a number of hands, like Amins, Peons and Execution Clerks, and the presiding officers of our Courts will find more time to devote to other work.

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[Mr. P. K. Narayana Pillai.]

Thirdly, Sir, this measure will give a sense of security to people to move about. Sir, when a voter goes to the polling booth, in all democratic fervour and enthusiasm to vote for his candidate, is it not an outrage to arrest him on the way? Sometimes, the candidate himself may be exposed to the risk of being arrested for debt, at the height of the election fever (*Laughter.*)

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): May I ask whether it is desirable to vote for such candidates?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Why not?

DEPUTY PRESIDENT: The law allows it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): It is only an undischarged insolvent that cannot stand for an election. That is the only prohibition in law. Other debtors may improve their lot, by being elected or nominated.

MR. S. J. NAIR (*Nedumangad*): May I ask whether the Legislature should be the monopoly of the rich alone?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I am perfectly at one with my friend Mr. S. J. Nair in thinking that the Council or the Assembly is not intended exclusively for the rich; it is intended for the debtors as well. (*Laughter.*) Sir, not infrequently, some Honourable members of the Legislature, after election, could not come out for their public work on account of the whiz of malicious arrest warrants all round. (*Laughter.*) Recently I was told of an instance of the kind. Further at the political meetings on important public matters, some of the ardent supporters of such meetings are arrested just when the meeting is in progress so that it is the public that suffer by such nefarious moves. Or, again, let us take it that it is the case of the *Jatha* on some important mission set in motion from one place to another. Would it be just to damp its grandeur by the arrest of the leaders or even the camp-followers by a despicable peon?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I ask whether even marriages could not be prevented?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Difficulties may arise in solemn functions by the bridegroom being arrested at the critical point.

Therefore, Sir, if, as we are told, the number of debtors is on the increase in the State, a protective provision as the one now proposed will certainly go a great way to create a sense of security in a large section of the public of Travancore.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vaktl*): Does the member think that the proposed measure will reduce the number of suits in the land?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): It will certainly prevent the protraction of suits and will help quicker disposal. It will

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relieve congestion of suits if suits are deemed worth while, and complication in execution proceedings will disappear to a considerable extent.

There are certainly some positive advantages. But, Sir, are there not also serious difficulties involved in the Bill? That is what I am considering. (*Laughter.*)

In the first place, Sir, although, as was stated by my friend, the mover, there may not be any such provision in Scotland or in Russia, unfortunately, the provision exists in our neighbouring States, in Cochin, for instance, and also in British India. On account of certain agreements with the Government of British India and the Government of Cochin, there is what is known as reciprocal execution of decrees. For example, decrees from Cochin or from British India may be transferred to our Courts, and executed here. Similarly, our decrees may be transferred to British India or to Cochin to be executed there. In British India and in Cochin, there is provision for the arrest of the debtor. If, therefore, all on a sudden, we withdraw the provision for arrest without taking into consideration the agreement with other Governments, it is sure to lead to an infringement of inter-statal relations. That is one difficulty.

Then, money has been advanced relying mainly, in many cases, on the remedy available by the arrest of the debtor. How can the Government now step in all on a sudden and withdraw such remedy? That is likely to be viewed as mischief on the part of the State to interfere like that after the debtor has had the benefit of other people's money.

Therefore, Sir, in spite of the manifold advantages that the measure seeks to confer on the people, on equitable considerations, I find it rather difficult to support the measure unless Mr. S. J. Nair is prepared to convince me that the difficulties I have pointed out may conveniently be met otherwise.

The House adjourned for lunch at 1 P. M. and met again at 2 P. M.

MR. S. J. NAIR (*Nedumangad*): Sir, it has been contended by the learned Law Member on the official side that the measure I have brought before the House is fantastic. Sir, there is no wonder in the astonished remark or in the unnecessary observation made by the Law Member that it is a fantastic measure. It is fantastic so far as the conception of the Law Member is concerned. There is nothing wonderful in it. He is capable of conceiving only so much. His conception of the conditions that prevail in outside world is narrow, and his knowledge about it nil. When I put a question directly to the Law Member whether he is aware of the conditions that prevail in very many States in America, in Germany, in Scotland and in Russia, he said that he is ignorant of the conditions that prevail there.

MR. K. C. ABRAHAM (*Kottayam I*): Has the member compared the system of bailiffs sitting in judgment on the debtor obtaining in other countries with the system of personal detention here?

MR. S. J. NAIR (*Nedumangad*): Sir, that is out of place so far as this Bill is concerned.

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DEPUTY PRESIDENT: Are you able to answer the question? If you are able, you may answer it. Whether it is out of place or not it is not for you to decide.

MR. S. J. NAIR (*Nedumangad*): It is out of place so far as this Bill is concerned.

DEPUTY PRESIDENT: You do not propose to answer the question?

MR. S. J. NAIR (*Nedumangad*): Of course, I cannot deny answering it.

DEPUTY PRESIDENT: Then you can answer it.

MR. S. J. NAIR (*Nedumangad*): Anyhow, I did not understand the member.

MR. K. C. ABRAHAM (*Kottayam I*): Has the member compared the system, obtaining in other countries, of bailiffs sitting in judgment on the debtor with the system of personal detention here?

MR. S. J. NAIR (*Nedumangad*): Sir, I do not know anything about the practical working of the system suggested by my learned friend. So I cannot answer that question. So far as the people of Travancore are concerned, we are not in any way superior to those people in Russia, Germany, United States, Scotland or any other civilised country where the system of exemption from arrest and detention in civil prison of judgment debtors prevails. Sir, in this connection, I beg to point out that the population of Travancore is 50,95,973. Of this, the female population is 25,30,900 and the male population is 25,65,073. So it will be evident from the statistics that practically half the population in the State consists of females. Sir, a privilege that is extended to the women in the State, a privilege that is enjoyed by our women in the State, is also the privilege that I demand from the members of this House to be allowed to be enjoyed by the men as well. Moreover, I am sure my friend, the Police Commissioner, will bear witness to my statement when I say that, for the sake of 7 chackrams, simply because the debtor was not in a position to return 7 chs. due to a tea shop, he had to commit suicide. There is another case, which the police have investigated, where, when a process peon went to arrest a judgment debtor for an amount of about three hundred fanams he had to commit suicide. So, from these instances, it would be evident that -

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it the process server or the debtor who committed suicide?

MR. S. J. NAIR (*Nedumangad*): Judgment debtor. It was simply because he thought it a disgrace to surrender himself to be arrested under a civil warrant.

Sir, I have brought this Bill before the House as a touchstone to test the sincerity of the members of this House as well as Government. Sir, we have come here not to represent the aristocracy; we have come not to safeguard the interests of millionaires in the State; we have come here not to look after the interests of the bankers, the moneylenders, the "Shylocks" in the State. We have come here, in order to safeguard the interests of the suffering millions, the poverty-stricken millions, the oppressed millions, the suppressed millions.

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DEPUTY PRESIDENT: The member is not right in saying that. There are, in this House, members who represent commercial and banking interests.

MR. S. J. NAIR (*Nedumangad*): Yes, Sir, I am aware of it; but they form only a microscopic minority. I pray that the members of this House as well as the Government will remember that this Bill does not suggest anything fantastic at all; but it is intended merely to protect the interests and the life of the poor people in the State. That is my request. From the statements made by Mr. P. K. Narayana Pillai, the learned leader of the Liberal Party, it would be evident to this House that this Bill is not as fantastic or as unreasonable as is imagined on the official side. So, Sir, I appeal to this House that, as a result of the economic depression that prevails in the land, as a result that equal opportunities and equal privileges shall be given to men as well as to women in the State and as a result that the honour, life and privileges, social as well as political, of the citizens of the State, however humble, however poor, however oppressed, and however depressed they may be, might be safeguarded, I introduce this Bill to the House. From the various speeches, Sir, at least from some of the speeches, it is evident that the general principle of the Bill has received practically the consent of this House and there is no opposition so far as the general principles of the Bill are concerned. Further, if some of my friends wish to make useful suggestions, if any, that they deem fit to be embodied in this Bill, I am prepared to see that proper amendments are made in the Bill in the Select Committee stage.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the only principle involved in the Bill is the abolition of the system of the arrest and detention of civil debtors. There is no other principle involved in the Bill. It has received a full debate from many quarters in this House and it has been said that it is quite unsuited to the conditions of our country. It is not necessary to go to other countries such as England, Scotland and Ireland for coming to a judgment on this matter. I may, however, inform Mr. S. J. Nair that even in Scotland the system of imprisonment for civil debt seems still to prevail, so far as I have been able to look up here in this short interval. However, I do not want the House to pass judgment on any analogy with Scotland. Let us look to our own conditions.

MR. S. J. NAIR (*Nedumangad*): May I know from the member till what year that system prevailed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I canot say, perhaps it previls even today.

MR. S. J. NAIR (*Nedumangad*): My information is otherwise.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection to accepting it for the present debate.

DEPUTY PRESIDENT: The question is whether the general principle of the Bill is accepted by the House.

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The question was put and the motion was declared lost.

MR. M. SIVATANU PILLAI (*Tovala*) : Sir, I demand a poll.

DEPUTY PRESIDENT : The demand for poll could have been made earlier. All the same, I allow it.

A poll was accordingly taken with the following result :—

AYES—4.

1 Mr. V. T. Chacko
2 „ A. Easwara Pillai (*Kottarakara*)
3 Mr. S. J. Nair
4 „ K. Mahomed

NOES—52.

1 Mr. N. Abdur Rahiman Sahib
2 „ K. C. Abraham
3 „ S. Chattanatha Karayalar
4 „ P. Chidambaram Pillai
5 „ A. S. Damodaran Asan
6 „ A. Easwara Pillai (*Kalkulam II*)
7 „ K. George
8 „ M. Mahomed Haneef
9 „ M. K. Janardana Kamath
10 „ T. S. Jayantan Nambootiri
11 „ N. John Joseph
12 „ J. M. Joseph
13 „ T. C. Joseph
14 „ K. C. Karunakaran
15 „ T. T. Kesavan Sastri
16 „ K. M. Krishnan
17 „ K. P. Krishna Menon
18 „ Pottayil S. Krishna Panickar
19 „ N. K. Krishna Pillai
20 „ Puthupalli S. Krishna Pillai
21 „ T. Krishna Pillai
22 Rao Sahib Dr. N. Kunjan Pillai
23 Mr. K. Kunjukrishna Pillai
24 „ E. K. Kunjuraman
25 „ C. O. Madhavan
26 „ M. N. Nair
27 Mr. P. C. Narayanan Bhattatiripad
28 „ Pacode A. Narayana Pillai
29 „ Srimathi T. Narayani Amma
30 „ G. Nilakantan
31 „ R. Nilakanta Pillai
32 „ S. Nilakanta Pillai
33 „ Edavanatt S. Padmanabha Menon
34 „ Kainikkara M. Padmanabha Pillai
35 „ N. K. Padmanabha Pillai
36 Rao Sahib S. Parameswara Aiyar
37 Mr. Changanachery K. Parameswaran Pillai
38 „ Kayalam Parameswaran Pillai
39 „ V. Ramakrishna Panickar
40 Rao Bahadur N. Ramanuja Aiyangar
41 Mr. R. Sambasiva Aiyar
42 „ K. Sankaran
43 „ M. Sivatanu Pillai
44 „ R. M. Statham
45 „ A. Thanu Pillai
46 „ S. Thiraviam Nadar
47 „ P. K. Thomas
48 „ T. C. Thommen
49 „ G. B. E. Truscott
50 „ N. E. Varughese
51 „ V. K. Velappan Nair
52 „ T. P. Velayudhan Pillai

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NEUTRAL—8

1 Mr. T. K. Alexander	5 Mr. K. M. Kuriakose
2 „ K. R. Elenkath	6 „ M. K. Madhavan Pillai
3 „ Antony George	7 „ K. A. Narayana Pillai
4 „ C. V. Kunjuraman	8 „ P. K. Naryana Pillai

DEPUTY PRESIDENT: The motion is lost. The general principle of the Bill is not accepted by the House.

THE HINDU LAW OF INHERITANCE (AMENDMENT) BILL.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Sir, I move that the Hindu Law of Inheritance (Amendment) Bill be read in the Assembly.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, it is the usual practice for the mover to explain the principle of the Bill that he is introducing.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): The present Bill is an attempt to bring the law relating to Hindus into conformity with that prevailing in British India. There, in the year 1929, an Act was passed at the instance of Justice T. V. Seshagiri Aiyar and was enacted as Act II of 1929. The present Bill is a mere reproduction of it. Subsequently, in Mysore, Regulation X of 1933 was passed which, while following the principle of British Indian Act, made a departure so far as the order of succession of these limited heirs is concerned. That also has been enacted as Section 4 of the Mysore Regulation and reproduced in the Statement of Objects and Reasons which I have given:—

The sister and other female heirs were not recognised formerly as heirs at all under the Mitakshara. This proposal was made some 75 years ago by the Madras High Court because under the old arrangement these were not recognised as heirs at all. They came to be recognised only at the fag end of it. Followers of Mitakshara Law in British India came to be affected by Act II of 1929; and in the subsequent enactment in Mysore by the Regulation of 1933 a more logical arrangement was given to the Act of 1929 by which the sons' daughters who were given the 14th place under the British Act were given the 8th place under the Mysore Regulation. The daughters' daughter who was given the 15th place in the British Indian Act was given the 9th place in the Mysore Regulation and the sisters' daughter who was given the 16th place was given the 15th place in the Mysore Regulation. These are the only differences which exist between the British Indian Act and the Mysore Regulation. Now so far as Travancore is concerned, I shall quote a passage from the judgment of our High Court.

> "There is no reason why we should lay down a different rule for those following the Hindu Mitakshara Law in this country. The great majority of the community following Hindu Law in Travancore are emigrants from British India."

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